

Appln. No. 10/726,760
Amendment dated April 20, 2006
Reply to Office Action dated October 20, 2005

REMARKS/ARGUMENTS

The foregoing amendments and these remarks are in response to the Office Action, dated October 20, 2005. At the time of the Office Action, claims 1-20 were pending in the present application. Claims 1-2 were rejected under 35 U.S.C. § 102(b). Claim 3, 6-10 and 13-18 were rejected under 35 U.S.C. § 103(a). Claims 19 and 20 were indicated as being allowed. Claims 4, 5 and 11-12 were indicated as being allowable. Claim 1 has been amended, and claim 2 has been cancelled. Claims 3-20 remain in their original form or as previously presented.

Claim 1

Claim 1 was rejected under 35 U.S.C. § 102(b) based on Japanese Patent No. JP 54-129221A ("Nakazawa"). It is respectfully submitted that Nakazawa does not anticipate claim 1.

According to the Office Action, reference number 7 in Nakazawa is considered a branch pipe, as recited in claim 1. However, reference number 7 of Nakazawa is actually the throat of an exhaust inlet (not labeled), which is a part of the turbine housing itself (as shown in FIGS. 1 and 2). Therefore, reference number 7 cannot be considered a branch pipe, as recited in claim 1, at least because it is not a part of an exhaust gas manifold piece.

Reference number 12 of Nakazawa is an upstream exhaust passage, which the Office Action points to as being a part of an exhaust gas manifold, as presented in claim 1. Even if it can be assumed that exhaust passage 12 of Nakazawa is part of an exhaust gas manifold or a branch passage of an exhaust gas manifold piece, Nakazawa still fails to teach each element of claim 1. First, Nakazawa does not teach that the exhaust passage 12 is made of sheet metal. Use of sheet metal is significant because, as noted in the Summary of the Invention section of the present application, it can contribute to a substantially undisturbed flow of heat from the heat

Appln. No. 10/726,760
Amendment dated April 20, 2006
Reply to Office Action dated October 20, 2005

source (combustion motor) to the turbocharger. Second, the exhaust passage 12 of Nakazawa does not extend into the turbine housing, as claim 1 has been amended to recite. Rather, the exhaust passage 12 is shown as abutting the exhaust inlet (unlabeled).

Therefore, for at least the reasons set forth above, it is respectfully submitted that the rejection of claim 1 based on Nakazawa has been overcome.

Dependent Claims

Claim 3 was rejected under 35 U.S.C. § 103(a) based on Nakazawa in view of U.S. Patent No. 4,192,122 ("Stratton"). Claims 6, 8 and 10 were rejected under 35 U.S.C. § 103(a) based on Nakazawa in view of German Patent No. DE 10022052A1 ("Manfred"). Claims 7 and 15-16 were rejected under 35 U.S.C. § 103(a) based on Nakazawa in view of Manfred and Stratton. Claims 9 and 17 were rejected under 35 U.S.C. § 103(a) based on Nakazawa in view of in view of German Patent No. 3334413A1 ("Kohl"). Claims 13-14 were rejected under 35 U.S.C. § 103(a) based on Nakazawa in view of U.S. Patent Publication 2004/0142152A1 ("Chen"). Claim 18 was rejected under 35 U.S.C. § 103(a) based on Nakazawa in view of Manfred, Stratton and Kohl.

Applicant does not believe that Manfred, Stratton, Chen and Kohl are properly combinable with Nakazawa, nor that the combinations presented in the Office Action disclose each element of the respective claim. Nevertheless, any discussion of these references is moot because each of these claims depends from claim 1, which, as noted above, has been distinguished from Nakazawa. None of these references supply the deficiencies of Nakazawa.

Appln. No. 10/726,760
Amendment dated April 20, 2006
Reply to Office Action dated October 20, 2005

Allowable Claims

Applicant notes with appreciation the indication that claims 4, 5, 11 and 12 are directed to allowable subject matter and would be allowable if rewritten in independent form. Applicant respectfully submits that such rewriting is unnecessary because these claims depend from claim 1, which, as explained above, distinguishes over the cited art.

Allowed Claims

Applicant notes with appreciation the Examiner's allowance of claims 19 and 20.


Conclusion

In light of the foregoing, Applicant respectfully submits that the rejections set forth in the Office Action have been overcome. Applicant respectfully requests reconsideration and withdrawal of the rejections and objections of claims 1 and 3-18, and allowance pending claims 1 and 3-20. A notice to that effect is respectfully requested.

Respectfully submitted,

Date:

4/20/2006


Stephan A. Pendorf, USPTO Reg. No. 32,665
Mark M. Zylka, USPTO Reg. No. 48,518
AKERMANN SENTERFITT
P.O. Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000
Facsimile: (561) 659-6313